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UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF PUERTO RICO

GERARDO RAMOS SANTOS
 Plaintiff

vs.
 WILFREDO RAMOS TIRADO, et al.
 Defendants

CLERK'S OFFICE
 U.S. DISTRICT COURT
 SAN JUAN, P.R.

CIVIL NO. 96-1979 (JP)

ORDER

| MOTION | RULING |
|--|--|
| <p>Date Filed: 5/19/00 Docket: # 79 [X] Plffs [] Defts Title: Motion Informing Service of Process and Requesting Enlargement of Time to Serve Defendants Luis A. Feliciano Cruz, Sergeant Rodríguez, Ariel Rodríguez, Alfredo Torres, and William Torres Santiago</p> | <p>GRANTED IN PART AND DENIED IN PART. Plaintiff shall serve Luis A. Feliciano Cruz,, Sergeant Rodríguez, Ariel Rodríguez, Alfredo Torres, William Torres Santiago personally on or before June 29, 2000. Service by publication is governed by the Puerto Rico Rules of Civil Procedure. With regards to service by publication, in 1993, the Puerto Rico Supreme Court handed down two decisions interpreting Rule 4.5 of the Puerto Rico Rules of Civil Procedure and addressing the way in which a party must describe to the court the steps taken to serve the defendant personally. <u>See Lanzó Llanos v. Banco de la Vivienda de Puerto Rico</u>, 133 P.R. Dec. 507 (1993); <u>Reyes v. Oriental Federal Savings Bank</u>, 133 P.R. Dec. 15 (1993). Both decisions clearly articulate the principle that an order allowing service by publication can only be issued <i>after</i> the Court has become convinced that personal service was attempted on the defendant <i>and</i> that a sworn statement attests to that fact. <u>See Lanzó Llanos</u>, 133 P.R. Dec. at 513 (citing <u>Mundo v. Fúster</u>, 87 P.R. Dec. 363, 371-72 (1963)); <u>Reyes</u>, 133 P.R. Dec. at 23 (“para que un tribunal dicte válidamente una orden que permita un emplazamiento mediante edicto, tiene que haberse intentado efectuar <i>previamente</i> un emplazamiento personal, y <i>después</i> haberse sometido -- y lógicamente tener el juez ante sí -- una declaración jurada con la expresión de las diligencias efectuadas.”). Plaintiff has not provided such affidavits. The Court would consider such service so long as Plaintiff complies with the guidelines set forth in the cases cited above.</p> |

Date:

6/2/00


 JAIME PIERAS, JR.
 U.S. Senior District Judge

Rec'd:

EOD:

By:

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